

**WALDO COUNTY COMMISSIONERS COURT SESSION  
JANUARY 20, 2009 (SPECIAL SESSION)**

**PRESENT:** Commissioners Donald P. Berry, Sr. (Chairman), Amy R. Fowler and William D. Shorey. Also present was County Clerk Barbara L. Arseneau and Deputies Association President Detective Matthew Curtis.

**EXECUTIVE SESSION**

**\*\*A. Fowler moved, W. Shorey seconded to enter Executive Session for a legal/personnel matter at 9:01 a.m. according to Title 1 § 401 (D). Unanimous.**

**\*\*A. Fowler moved, W. Shorey seconded coming out of Executive Session at 9:35 a.m. Unanimous.**

**EXECUTIVE SESSION**

**\*\*A. Fowler moved, W. Shorey seconded to enter Executive Session for a legal/personnel matter according to Title 1 § 401 (D) at 9:35 a.m. Unanimous.**

**\*\*A. Fowler moved, W. Shorey seconded exiting Executive Session at 9:51 a.m. Unanimous.**

**\*\*A. Fowler moved, W. Shorey seconded to rescind the previous motion (from January 13, 2009) to use funding from the new deputy to fund Special Plan 2-C on January 13, 2009. Unanimous.**

**FUNDING SPECIAL PLAN 2-C FOR DEPUTIES ASSOCIATION**

Present for this discussion were Sheriff Scott Story and Chief Deputy Robert Keating and, later, Deputy Treasurer Karen Trussell. The Commissioners discussed when it would be financially feasible to start Special Plan 2-C for the Deputies Association. The Commissioners acknowledged that it is not possible to enroll in January because of the funding shortfall resulting from the inability of some Associates to be able to un-enroll from the County's health care program, as planned. During union negotiations, some Associates agreed to get off the County's health care plan via the health insurance buy-out in which the County would pay 34% of the applicable premium amount to each Associate vacating the County's health plan to offset the cost of going onto another health insurance plan. This cost savings method would provide a way to fund the MainePERS Special Plan 2-C.

The Commissioners then discussed the possibility of enrolling in the MainePERS Special Plan 2-C during the next available enrollment period of July, but recognized that those Associates who removed themselves from the County's health plan would not actually be covered by another health plan until September. This would leave the County without the necessary funding from the Associates during July and August, because the employees would still need coverage.

S. Story wondered aloud if the Civil Service/Detail Reserve Account might have accrued enough revenue over the years to assist in starting enrollment with Special Plan 2-C. When asked, K. Trussell explained that the \$5.00 Civil Service fee is shared between the County and the Civil Officer at \$2.50 each. S. Story inquired how much money had accrued in that account. K. Trussell checked and the funds in that account totaled \$71,061.86. She informed the Commissioners that in addition to Civil Service fees, detail revenue is also included in this account. After quick research, she submitted additional figures for the Commissioners as follows:

\$42,236.00 was in the account as of December 31, 2002

\$16,789.34 was in the account as of December 31, 2003

\$21,979.24 was in the account as of December 31, 2004  
\$36,028.66 was in the account as of December 31, 2005  
\$40,480.80 was in the account as of December 31, 2006  
\$54,553.08 was in the account as of December 31, 2007

R. Keating also noted that the County is now, like the State, charging \$31.00 for criminal background checks, with the exception of municipal details, since the Sheriff felt that the municipalities have already contributed to the salaries of the Deputies through property taxation.

S. Story wondered if the buy-back portion “clock” were stopped for now, whether the County could at least start enrollment in the actual 2-C plan in January. R. Keating and S. Story felt that this would demonstrate that the County Commissioners were honoring the contract. A. Fowler reminded them that the Commissioners are honoring the contract – it is the Deputies Association that has not been able to honor its part of the contract as understood during the negotiating process.

S. Story explained the reason that the Detail Account had become an “in and out” account was primarily so that the over-time and part-time budget lines would not become so drained. He stated that thousands of civil services fees have been performed since the inception of this reserve account. This provided the County with an account that was “sustainable” and did not require going to the Budget Committee to fund. When first established, S. Story noted that account was at \$30,000.00. R. Keating noted that in January of 2009, calls for civil service had already doubled as compared with calls for civil service in January of 2008.

D. Berry asked for the Commissioners’ thoughts. W. Shorey thought utilizing the Civil Service/Detail Reserve account “had more advantages than disadvantages” and that it might be “an interesting alternative.” D. Berry wondered if there was a description of what that account could be used for.

After reviewing available funding through this reserve account and discussing the process, W. Shorey asked the Board when they thought they wanted to attempt to enroll in the program. A. Fowler said she originally was thinking of holding off until 2010 because funding was not available. Now that there was potentially a way to fund enrollment, she thought starting in July might be the way to go, as there would only be three months the County would need to assist in funding the Association’s portion.

S. Story stated that he was “not lobbying for the Commissioners to start in February,” but wondered if it would cost more to buy-back if the County waited another year. A. Fowler and D. Berry spoke with the Deputy Treasurer’s Office to do some cost comparisons.

The Commissioners rounded the cost to enroll in July at \$30,000.00 and recommended that it be taken out of the Civil Service /Detail Account. D. Berry thought that if the Deputies Association was able to provide funding starting in September, it would leave a maximum of \$40,000.00 remaining in that reserve account.

W. Shorey thanked the Sheriff for thinking of this suggestion. S. Story said he didn’t know that there was so much money in that account, or perhaps he would have thought of it sooner.

**\*\*A. Fowler moved, W. Shorey seconded that the Commissioners take from the Detail Reserve (0259) sufficient funds, starting July 1, 2009, for the County to enroll in Special Plan 2-C for the Deputies Association and fund the remaining six months of the year.**

Discussion: D. Berry expressed concern that the buy-out money from the Deputies to be contributed, as it was not addressed in the motion. W. Shorey thought the motion should include that this would be with the understanding that the buy-outs coming back must be put toward this enrollment.

S. Story thought that it should also include wording that this is only as a transition until the employees can meet their financial obligation as understood in the union contract. D. Berry agreed. S. Story felt that this would lock them into their obligation and showed that the Commissioners were taking good faith action.

**\*\*D. Berry moved to amend the motion to state that the Commissioners take from the Detail Reserve Account (0259) sufficient funds, starting July 1, 2009, for the County to enroll in Special Plan 2-C for the Deputies Association and fund the remaining six months of the year, less the contributions made by the Deputies who have agreed during negotiations to transfer out of the County's health insurance plan. A. Fowler seconded. Passed unanimously.**

The Commissioners thanked the Sheriff for assisting with finding a plausible way to start enrollment in the MainePERS Special 2C plan and asked him to relay the Commissioners' decision to Deputies Association President Matthew Curtis.

### **JAIL MISSION DISCUSSION**

S. Story explained that last year, with the permission of the County Commissioners, he had drafted a letter regarding changing the mission of the Jail. A lot of work had been done to break recidivism, etc. The staff has demonstrated the desire and ability to work on corrections measures and so S. Story will be meeting with the Needs Committee to discuss this. The County Jail could serve as a 72-hour hold, but S. Story is confident that the Jail could sustain a program at current staff levels or less to do more corrections-related work with inmates. He suggested that from now on, all agendas include time for the Sheriff to report on this matter to keep the County Commissioners posted, etc. R. Keating agreed that the County has a vested interest in keeping the Waldo County Jail open because it would greatly impact all law enforcement agencies in Waldo County to transport these inmates to other jails. S. Story expressed that staffing a 72-hour hold involves two shifts of five people, plus relief. A minimum full-time staff of two people would be necessary. It would decrease from five to two or three. "Re-entry" is a minimum amount of inmates which are in more of a "dormitory" type setting – not so much bars and cells." Currently, the Jail is not rehiring staff as anyone leaves, in preparation for this possible mission change. S. Story said he anticipates some typical turnover and will utilize it in that fashion rather than laying off staff later. The BOC feels that it, rather than DOC, should determine which jails will remain open and which will close. The BOC wants to make sure to examine the system as a whole and work together as the unit it now is.

The Commissioners thanked the Sheriff for his report.

### **CORRESPONDENCE**

Reporting correspondence to the Commissioners was County Clerk Barbara L. Arseneau with Deputy County Clerk Veronica Stover taking notes as follows:

1. Town of Brooks citizen Randy Hegstrom has submitted a Tax Abatement Appeal on three of his properties. The Commissioners had received this information during their December 30, 1008 Commissioners Court Special Session and had requested additional time to review the request before deciding if they should hold an appeal hearing. After brief discussion and reviewing the statutes regarding

tax abatement procedure, the Commissioners agreed to hold a hearing for Randy Hegstrom vs. the Town of Brooks during the next regularly scheduled Commissioners Court Session on February 13, 2009 at 9:30 a.m.

2. Deputy County Clerk Veronica Stover asked the County Commissioners for their input in ordering their individual business cards as County Commissioners. The Commissioners provided their individual information and specifications for the cards.

3. County Clerk Barbara Arseneau informed the Commissioners of an error found in the Communications Center budget. \$10,000.00 was not included in the total calculation, due to a computer error originating with the Commissioners Office budget template in that budget only, which has now been corrected. This means that there is \$10,000.00 less in the Communications Center budget than the Director had planned on. B. Arseneau had notified the Communications Director as soon as the error was found and he has decided to find the money in other budget lines, as necessary. He asked that the Commissioners be made aware of the situation so that they would understand the possible and likely overdraft of one or more lines in the 2009 budget. The Commissioners expressed their regret over the situation and commended the Communications Director for his positive outlook in handling this error.

3. The Commissioners directed the Human Resources/Payroll Director to notify MainePERS about the decision to enroll the Deputies Association employees in Special Plan 2C in July and acknowledged that an additional study would need to be done to implement this plan in July.

4. Early last week, Commissioner Berry had originally called a special County Commissioners Court Session for January 27, 2009. When asked, he stated that this session should no longer be necessary due to today's special session. He further stated that he was planning to hold off inviting the legislative delegation until February at the earliest.

5. B. Arseneau requested clarification of the Commissioners Office Committee List from the previous Commissioners Court Session. Former County Commissioner John Hyk had served as ADA Compliance Coordinator and Heating Efficiency Coordinator, particularly in the Superior Courthouse. Furthermore, decision should be made as to which Commissioner would serve as back-up for Commissioner Berry during union negotiations. The Commissioners decided that Commissioner William Shorey would assume coordination of ADA Compliance and Heating Efficiency, and both he and Commissioner Amy Fowler would serve equally as back-up for Commissioner Berry during union negotiations.

6. Communications Director Owen Smith sent word to the County Commissioners that wording is being worked on for a lease agreement between the County and Point Lookout, LLC for the County to lease space to install two six foot antennas and other necessary equipment to enhance communications in that area of the County. He would contact the Commissioners when the lease agreement was mutually satisfactory to both parties and ready to be signed.

7. B. Arseneau informed the Board that a previous Board of Commissioners had requested notification before Criminal Justice Academy graduations so that one or more could attend and asked if this Board wanted to be notified in advance. The Board did require notification in advance, but upon graduation, as they are currently notified.

8. B. Arseneau reminded Commissioner Berry that as Chairman, according the Personnel Policy, it was he who would decide if there would be any closings or delays in opening non-emergency offices during inclement weather.
9. EMA Director Dale Rowley sent written confirmation from MEMA that Waldo County was included with six other Maine counties in the Presidential Disaster Declaration as of 01/09/2009 for the recent "Ice Storm."
10. The Commissioners signed the Service Contract with DRG Specialty Services, L.L.C. for grant research and writing as needed during 2009.
11. The County Commissioners signed the Great-West Healthcare Network Agreement, which permits the County to utilize this as a third network under the Meritain Health Care plan.
12. Human Resources/Payroll Director Michelle Wadsworth submitted 2009 pay scales for the employees in the Communications Center Unit, now established under the 2009-2011 contract signed on December 30, 2008. She also submitted pay scales for the Deputies Association employees, as a result of their contract signed on November 25, 2008. Lastly, pay scales still in effect for the Corrections Supervisory Unit until a contract is signed were submitted to the County Commissioners for signature. The Commissioners signed all afore-mentioned pay scales.
13. Administrative Assistant to the Sheriff Brenda Dakin has requested a written explanation from the County Commissioners regarding their decision on the salary for her position during the January 13, 2009 County Commissioners Court Session. B. Arseneau has already sent the draft minutes for that vote to Ms. Dakin, as requested and authorized by the County Commissioners.
14. B. Arseneau requested that the Commissioners sign the decree issued by them for Lewis and Cathy Brown vs. Town of Belmont on January 13, 2009. The decree was signed and will be mailed to both Plaintiff's and Defendants immediately.
15. B. Arseneau informed the Commissioners that, as directed by the Board, cork bulletin boards have been ordered and will be installed by the Facilities Manager for all new units in the designated areas by January 31, 2009.

#### **MISCELLANEOUS COMMISSIONERS BUSINESS**

1. W. Shorey suggested that the Board of Commissioners discuss economic matters monthly in an effort to "tighten our belts." He thought one issue at a time per meeting might be discussed. D. Berry reminded the Board that at the last meeting, he had wondered about creating an "OPPAGA" (Office of Program Policy Analysis and Government Accountability) board for an internal type of audit so that there would be a true handle on what is going on in the County departments, based on evidence gathered. This evidence would, hopefully, be accurate and true and would show efficiencies already being realized, or perhaps, areas in which improvement could take place in terms of cost savings. D. Berry felt that it would be wise to check on line items and determine whether expenditures really needed to be made or not. He listed, for example, the recent attempt made by the County to try to get out of the current fuel contract in order to lock in at a lower rate, but reminded all that it was not possible to breach the contract. Nothing could be done, but at least it had been investigated and an effort was made.

A. Fowler wondered if it would make sense to go to a four-day work week, by way of suggestion. W. Shorey felt that it could be “dangerous to bite off too much at once” and recommended starting with one thing at a time so as not to become overwhelmed. He emphasized that each item should be thoroughly reviewed and well-investigated so that well-informed decisions could be made. The Commissioners would need to decide if this would be accomplished by individual department assessment or by some other method. It was thought that public input might be quite valuable, as well. Building costs would also need to be reviewed in terms of heat, ADA compatibility, etc. The Commissioners would speak with members of public about the efficiencies and potential deficiencies in the County departments and review their findings at the February 13, 2009 Commissioners Court Session. W. Shorey felt that this should be one department at a time in order to be focused and thorough.

**NEXT COURT SESSION:**

The next regularly scheduled Commissioners Court Session will be February 10, 2009.

**D. Berry adjourned the meeting at 11:59 a.m.**

Respectfully submitted by \_\_\_\_\_  
Waldo County Clerk